**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**SECOND APPEAL NO.336 OF 2007**

Motiram Yeshwant Gaikwad ..Appellant.
Vs.
Lata Kiran Patawane ..Respondent.

Mr.S.M.Raikar, adv. for the Appellant.

**CORAM : J.H.BHATIA, J.**
**DATE : SEPTEMBER 19, 2007.**

P.C.:

1. Heard the learned counsel for the appellant, who is original plaintiff.

2. In brief, case of the plaintiff/appellant is that the defendant/respondent had taken an amount of Rs.26,000/- from him as a loan in view of business relationship and she had also executed document on stamp paper whereby she had agreed to repay the amount within two years with damages at the rate of 18% per annum. The defendant/respondent denied to have received an amount of Rs.26,000/-. She contended that the plaintiff used to obtain signatures on blank stamp papers and misused the same. She also denied that she had any business relations with the plaintiff as she is an employee of municipal corporation as sweeper. She contended that the plaintiff was carrying on illegal business of money lending without obtaining licence.

The trial Court held that the plaintiff had advanced a loan of Rs.26,000/- to the defendant but it was money lending transaction and he is carrying on business of money lending without obtaining necessary licence and without complying with the provisions of money lending act. In the result, the suit came to be dismissed. Plaintiff preferred Regular Civil Appeal No.71 of 2006. The appellate Court also dismissed the appeal holding that the plaintiff/appellant was carrying on business of money lending without licence. The learned counsel has taken me through the judgments of both the Courts below. From the evidence on record, and particularly admissions of the plaintiff himself, it is clear that he was carrying on business of money lending without licence and, therefore, he could not succeed in getting a decree. There is no substantial question of law involved in the matter.

3. Appeal stands dismissed.

**[J.H.BHATIA, J.]**